UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

GINA M. PEARCE, as Guardian of distributees of Kristin Mary Palumbo Longo (deceased) and Administratrix of the Estate of Kristin Mary Palumbo Longo (deceased); STEPHEN L. PEARCE, as Guardian of distributees of Kristin Mary Palumbo Longo (deceased); and JOSEPH LONGO, as a distributee of Kristin Mary Palumbo Longo (deceased),

Plaintiffs,

6:10-CV-1569

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ESTATE OF OFFICER JOSEPH A. LONGO, JR., Individually and as a former member of the Utica Police Department; DANIEL LABELLA, Individually, as a member of the Utica Police Department, and as Commissioner of Public Safety; DAVID ROEFARO, Individually and as Mayor of the City of Utica; CITY OF UTICA; CITY OF UTICA POLICE DEPARTMENT; and JOHN/JANE DOE.

Defendants.

APPEARANCES:

OF COUNSEL:

OFFICE OF JOHN W. DILLON Attorney for Plaintiffs 44 Oxford Road New Hartford, NY 13413

JOHN W. DILLON, ESQ.

OFFICE OF CORPORATION COUNSEL JOHN P. ORILIO, ESQ. CITY OF UTICA Attorneys for Defendants LaBella, Roefaro, the City of Utica, and the Utica Police Department One Kennedy Plaza Utica, NY 13502

DAVID N. HURD United States District Judge

ORDER

Pursuant to the mandate of the United States Court of Appeals for the Second

Circuit dated April 12, 2012, it is ORDERED that defendant David Roefaro is DISMISSED with prejudice, and the Clerk of the Court is directed to enter judgment in his favor.

IT IS SO ORDERED.

United States District Judge

Dated: April 26, 2012

Utica, New York.